

REMARKS

Applicants respectfully request entry of the foregoing amendments and reconsideration of the present application in view of the reasons that follow. Applicants believe that the amendments and arguments raise no new issues and would require no further search.

Claims 29-30, 33, and 40 are currently being amended to correct typographical errors. This amendment adds no new matter.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 23-25 and 27-43 are now pending in this application.

Rejection under 35 U.S.C. § 103

The claims stand rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,112,126 (Hales) and U.S. Patent No. 5,971,282 (Rollender).

The Office stated that Hales discloses a process control system that stores a model in a memory, acquires data from a process, applies the model to the data, and provides an output based on analysis by a knowledge based system. Office Action, page 2, lines 10-16. The Office recognizes that “Hales does not expressly disclose specifically monitoring an environmental condition by acquiring data with a chemical sensor, biological sensor, or a radiation sensor.” Office Action, page 4, lines 14-15.

To cure the deficiency in Hales the Office applied Rollender. The Office stated that “Rollender discloses monitoring an environmental condition (col. 2, lines 46-52) by acquiring data with a chemical sensor, biological sensor, or a radiation sensor (col. 9, lines 17-21).” Office Action, page 4, lines 15-17.

To establish obviousness the prior art must suggest the desirability of a combination of references. M.P.E.P. § 2143.01 (citing *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990)). To satisfy this requirement, the Office alleges that Hales discloses “optimizing systems that require data via sensors”:

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use Hales’ process control optimization system for Rollender’s environmental condition monitoring system. One of ordinary skill in the art would have been motivated to do this since Hales’ system is for optimizing systems that require data via sensors (col. 5, lines 46-68).

Office Action, page 4, last 5 lines (citing to Hales). The Office thus states that the reason for modifying the prior art to arrive at the invention is to optimize a system requiring data via sensors, and the Office states that a skilled artisan would have considered Hales’ system as providing such optimization. The Office cited in support the following Hales passage at col. 5, ll. 46-58:

The instant invention's ISOs 10 are capable of configurably maintaining a record of events associated with the process, concrete components, and/or abstract components represented by those ISOs 10. Each ISO 10 is configured with sensor objects 25, described more fully herein below, acting as data managers of the state(s) of the controlled process, including the state(s) of the control variables for the process. Using these sensor objects 25, ISO's 10 expert system objects 12, predictor objects 18, adaptive models objects 20, and optimizer objects 22 work together to find, calculate, interpret, and derive new states for the control variables that result in the desired process state(s) or achieve the process goal(s).

This passage does not support the premise that Hales’ system optimizes all systems requiring data via sensors. Instead, the passage simply states that Hales’ system helps achieve a desired process state or process goal, both of which relate exclusively to process control systems. Hales is silent on optimizing anything other than process control systems. Hales plainly states that its disclosure “relates to process control optimization systems” (see Abstract, lines 1-2).

Nothing in Hales supports the premise that the reference discloses optimizing all systems that require data via sensors. Instead, Hales would have conveyed to a skilled artisan that it relates only to process control systems.

In contrast, Rollender is unrelated to process control. Rollender discloses a personal token card (see Title) that does nothing more than “detect whether predetermined thresholds have been exceeded” (see Abstract, lines 10-13). The token card’s objective is to allow for a person wearing the personal token card to be “promptly notified of potentially dangerous conditions, such as high radiation levels.” Col. 2, ll. 55-57. Rollender’s personal token card does not control a process. The token card simply emits a warning upon detecting a threshold level of an environmental condition so that affected personnel may evacuate or take other safety precautions.

A skilled artisan would have had no motivation to introduce a process control system into a device such as Rollender’s that does not control a process. As explained above, Hales’ system relates to achieving a desired process state or process goal. There is no desired process state or process goal in Rollender because there is no process to control. A skilled artisan would have recognized no reason for applying any part of Hales’ process control system to Rollender’s personal token card.

Because there would have been no motivation to combine the relevant disclosures of Hales and Rollender, the obviousness rejection over these references is improper. Applicants therefore request that the Office withdraw this ground of rejection.

Conclusion

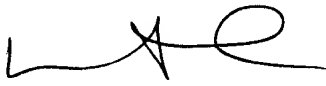
Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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